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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2022 Rhif 802 (Cy. 178)**

**2022 No. 802 (W. 178)**

**LLYWODRAETH LEOL,  
CYMRU**

**LOCAL GOVERNMENT,  
WALES**

Rheoliadau Ymchwiliadau  
Llywodraeth Leol (Swyddogaethau  
Swyddogion Monitro a  
Phwyllgorau Safonau) (Cymru)  
(Diwygio) 2022

The Local Government  
Investigations (Functions of  
Monitoring Officers and Standards  
Committees) (Wales) (Amendment)  
Regulations 2022

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn ychwanegu cyd-bwyllgorau corfforedig, a sefydlir drwy reoliadau a wnaed o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021, at y diffiniad o "awdurdod perthnasol" yn Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001 ("Rheoliadau 2001").

Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau 2001 i ddarparu, pan fo aelod o gyd-bwyllgor corfforedig (neu aelod cyfetholedig) yn destun ymchwiliad, a'i fod hefyd yn aelod (neu'n aelod cyfetholedig) o gyngor cyfansoddol neu awdurdod Parc Cenedlaethol, fod yn rhaid anfon gwybodaeth benodedig, adroddiadau penodedig ac argymhellion penodedig i'r cyngor neu'r awdurdod hwnnw hefyd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r rheoliadau sy'n sefydlu cyd-bwyllgorau corfforedig, a rheoliadau a gorchmynion cysylltiedig. O ganlyniad, paratowyd asesiad effaith rheoleiddiol ar adeg gwneud y rheoliadau sefydlu hynny, a dibynnir arno at ddiben y Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Cyllid Strategol Llywodraeth Leol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations add corporate joint committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 to the definition of "relevant authority" in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the 2001 Regulations").

These Regulations also amend the 2001 Regulations to provide that where a corporate joint committee member (or co-opted member) is under investigation, and they are also a member (or co-opted member) of a constituent council or National Park authority, specified information, reports and recommendations must also be sent to that council or authority.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the regulations which establish corporate joint committees, and connected regulations and orders. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied on for the purpose of these Regulations. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**LLYWODRAETH LEOL,  
CYMRU**

**LOCAL GOVERNMENT,  
WALES**

Rheoliadau Ymchwiliadau  
Llywodraeth Leol (Swyddogaethau  
Swyddogion Monitro a  
Phwyllgorau Safonau) (Cymru)  
(Diwygio) 2022

The Local Government  
Investigations (Functions of  
Monitoring Officers and Standards  
Committees) (Wales) (Amendment)  
Regulations 2022

*Gwnaed* 13 Gorffennaf 2022

*Made* 13 July 2022

*Gosodwyd* gerbron *Senedd*  
*Cymru* 15 Gorffennaf 2022

*Laid before Senedd Cymru* 15 July 2022

*Yn dod i rym* 5 Awst 2022

*Coming into force* 5 August 2022

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir iddynt gan adran 73(1), (2)(b), (2)(d) a (2)(e), ac adran 105(2)(a) a (2)(b) a (3), o Ddeddf Llywodraeth Leol 2000(1).

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 73(1), (2)(b), (2)(d) and (2)(e), and section 105(2)(a) and (2)(b) and (3), of the Local Government Act 2000(1).

**Enwi a dod i rym**

1. Enw'r Rheoliadau hyn yw Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) (Diwygio) 2022 a deuant i rym ar 5 Awst 2022.

**Title and coming into force**

1. The title of these Regulations is the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022 and they come into force on 5 August 2022.

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(1) 2000 p. 22. Mae swyddogaethau Cynulliad Cenedlaethol Cymru bellach wedi eu breinio yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi. Mewnosododd rheoliad 3(2)(a) o O.S. 2022/372 (Cy. 92) gyd-bwyllgorau corfforedig yn y diffiniad o "relevant authority" yn adran 49 o Ddeddf 2000. Mae adran 49 wedi ei chynnwys yn Rhan 3 o Ddeddf 2000 ac mae'n ymwneud ag ymddygiad aelodau a chyffoigeion llywodraeth leol.

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(1) 2000 c. 22. The functions of the National Assembly for Wales now vest in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Regulation 3(2)(a) of S.I. 2022/372 (W. 92) inserted corporate joint committees to the definition of "relevant authority" in section 49 of the 2000 Act. Section 49 is contained in Part 3 of the 2000 Act and concerns the conduct of local government members and employees.

**Diwygiadau i Reoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001**

2. Mae Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) (Cymru) 2001(1) wedi eu diwygio fel a ganlyn.

3. Yn rheoliad 2, yn y diffiniad o “awdurdod perthnasol”—

- (a) ar ôl “gynllun y mae adran 4 o’r Ddeddf honno yn gymwys iddo,” hepgorer “ac”;
- (b) yn lle “1995;” rhodder “1995, a”;
- (c) ar y diwedd mewnosoder “chyd-bwyllgor corfforedig;”.

4. Yn rheoliad 3, ar ôl paragraff (2) mewnosoder—

“(2A) Pan fo’r awdurdod perthnasol dan sylw yn gyd-bwyllgor corfforedig, yn achos aelod neu aelod cyfetholedig sydd hefyd yn aelod neu’n aelod cyfetholedig o—

- (a) cyngor cyfansoddol y cyd-bwyllgor corfforedig;
- (b) awdurdod Parc Cenedlaethol y mae’n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021(2) benodi aelod o’r cyd-bwyllgor corfforedig,

rhaid i swyddog monitro’r cyd-bwyllgor corfforedig hefyd anfon copi o unrhyw adroddiad ac unrhyw argymhellion a ddyroddwyd o dan baragraff (1)(b) neu unrhyw argymhellion a wnaed o dan baragraff (2) at swyddog monitro’r cyngor cyfansoddol hwnnw neu’r awdurdod Parc Cenedlaethol hwnnw.”

5. Yn rheoliad 6, ar ôl paragraff (a) mewnosoder—

“(aa) pan fo unrhyw berson sy’n destun yr ymchwiliad yn aelod neu’n aelod cyfetholedig o gyd-bwyllgor corfforedig a’i fod hefyd yn aelod neu’n aelod cyfetholedig o—

- (i) cyngor cyfansoddol y cyd-bwyllgor corfforedig;
- (ii) awdurdod Parc Cenedlaethol y mae’n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 benodi aelod o’r cyd-bwyllgor corfforedig,

**Amendments to the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001**

2. The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001(1) are amended as follows.

3. In regulation 2, in the definition of “relevant authority”—

- (a) after “a scheme to which section 4 of that Act applies,” omit “and”;
- (b) for “1995;” substitute “1995, and”;
- (c) at the end insert “a corporate joint committee;”.

4. In regulation 3, after paragraph (2) insert—

“(2A) Where the relevant authority concerned is a corporate joint committee, in the matter of a member or co-opted member who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021(2) to appoint a member of the corporate joint committee,

the monitoring officer of the corporate joint committee must also send a copy of any report and recommendations issued under paragraph (1)(b) or any recommendations made under paragraph (2) to the monitoring officer of that constituent council or National Park authority.”

5. In regulation 6, after paragraph (a) insert—

“(aa) where any person who is the subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

(1) O.S. 2001/2281 (Cy. 171); yr offerynnau diwygio perthnasol yw O.S. 2005/2929 (Cy. 214), 2006/362 (Cy. 48), 2016/85 (Cy. 39).  
(2) 2021 dsc 1.

(1) S.I. 2001/2281 (W. 171); relevant amending instruments are S.I. 2005/2929 (W. 214), 2006/362 (W. 48), 2016/85 (W. 39).  
(2) 2021 asc 1.

anfon copi o'r adroddiad ac unrhyw argymhellion at swyddog monitro'r cyngor cyfansoddol hwnnw neu'r awdurdod Parc Cenedlaethol hwnnw;”.

6. Yn rheoliad 7(1)(a), ar ôl paragraff (i) mewnosoder—

“(ia) pan fo'r person sy'n destun yr ymchwiliad yn aelod neu'n aelod cyfetholedig o gyd-bwyllgor corfforedig a'i fod hefyd yn aelod neu'n aelod cyfetholedig o—

(aa) cyngor cyfansoddol y cyd-bwyllgor corfforedig;

(bb) awdurdod Parc Cenedlaethol y mae'n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 benodi aelod o'r cyd-bwyllgor corfforedig,

swyddog monitro'r cyngor cyfansoddol hwnnw neu'r awdurdod Parc Cenedlaethol hwnnw;”.

7. Yn rheoliad 7A(1), ar ôl is-baragraff (a) mewnosoder—

“(aa) pan fo testun yr ymchwiliad yn aelod neu'n aelod cyfetholedig o gyd-bwyllgor corfforedig a'i fod hefyd yn aelod neu'n aelod cyfetholedig o—

(i) cyngor cyfansoddol y cyd-bwyllgor corfforedig;

(ii) awdurdod Parc Cenedlaethol y mae'n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 benodi aelod o'r cyd-bwyllgor corfforedig,

swyddog monitro'r cyngor cyfansoddol hwnnw neu'r awdurdod Parc Cenedlaethol hwnnw;”.

8. Yn rheoliad 8—

(a) ym mharagraff (4), yn lle “Rheoliad 7(b)” rhodder “rheoliad 7(1)(b)”;

(b) ym mharagraff (6)(b), yn lle “Rheoliad 12(a)(i)” rhodder “rheoliad 12(1)(a)(i)”;

(c) ym mharagraff (6)(c), yn lle “Reoliad 12(a)(ii)” rhodder “reoliad 12(1)(a)(ii)”.

send a copy of the report and any recommendations to the monitoring officer of that constituent council or National Park authority;”.

6. In regulation 7(1)(a), after paragraph (i) insert—

“(ia) where the person who is the subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(aa) a constituent council of the corporate joint committee;

(bb) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

7. In regulation 7A(1), after sub-paragraph (a) insert—

“(aa) where a subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

8. In regulation 8—

(a) in paragraph (4), for “Regulation 7(b)” substitute “regulation 7(1)(b)”;

(b) in paragraph (6)(b), for “Regulation 12(a)(i)” substitute “regulation 12(1)(a)(i)”;

(c) in paragraph (6)(c), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”.

9. Yn rheoliad 9—

- (a) ym mharagraff (2), yn lle “Rheoliad 12(a)(ii)” rhodder “rheoliad 12(1)(a)(ii)”;
- (b) ar ôl paragraff (3)(a), mewnosoder—

“(aa) pan fo testun yr ymchwiliad yn aelod neu’n aelod cyfetholedig o gyd-bwyllgor corfforedig a’i fod hefyd yn aelod neu’n aelod cyfetholedig o—

- (i) cyngor cyfansoddol y cyd-bwyllgor corfforedig;
- (ii) awdurdod Parc Cenedlaethol y mae’n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 benodi aelod o’r cyd-bwyllgor corfforedig,

swyddog monitro’r cyngor cyfansoddol hwnnw neu’r awdurdod Parc Cenedlaethol hwnnw;”.

10. Yn rheoliad 10(10), ar ôl is-baragraff (a) mewnosoder—

“(aa) pan fo’r person sy’n ceisio caniatâd i apelio yn aelod neu’n aelod cyfetholedig o gyd-bwyllgor corfforedig a’i fod hefyd yn aelod neu’n aelod cyfetholedig o—

- (i) cyngor cyfansoddol y cyd-bwyllgor corfforedig;
- (ii) awdurdod Parc Cenedlaethol y mae’n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 benodi aelod o’r cyd-bwyllgor corfforedig,

swyddog monitro’r cyngor cyfansoddol hwnnw neu’r awdurdod Parc Cenedlaethol hwnnw;”.

11. Yn rheoliad 12—

- (a) daw’r ddarpariaeth bresennol yn baragraff (1);
- (b) ym mharagraff (1), hepgorer y geiriau o “, a rhaid iddo roi gwybod” hyd at “penderfyniad”;
- (c) ar ôl paragraff (1), mewnosoder—

“(2) Ar ôl gwneud penderfyniad yn unol â pharagraff (1), rhaid i’r tribiwnlys apelau roi hysbysiad o’r penderfyniad hwnnw ynghyd â’r rhesymau dros y penderfyniad i:

- (a) unrhyw berson sy’n destun yr ymchwiliad,

9. In regulation 9—

- (a) in paragraph (2), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”;
- (b) after paragraph (3)(a), insert—

“(aa) where a subject of the investigation is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

10. In regulation 10(10), after sub-paragraph (a) insert—

“(aa) where the person seeking permission to appeal is a member or co-opted member of a corporate joint committee and is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the monitoring officer of that constituent council or National Park authority;”.

11. In regulation 12—

- (a) the existing provision becomes paragraph (1);
- (b) in paragraph (1), omit the words from “, and must inform” to “decision”;
- (c) after paragraph (1), insert—

“(2) After making a decision in accordance with paragraph (1), the appeals tribunal must give notice of that decision and reasons for the decision to:

- (a) any person who is the subject of the investigation,

- (b) Ombwdsmon Gwasanaethau Cyhoeddus Cymru,
- (c) Pwyllgor Safonau'r awdurdod perthnasol, a
- (d) pan fo unrhyw berson sy'n destun yr ymchwiliad yn aelod o gyd-bwyllgor corfforedig, a'i fod hefyd yn aelod neu'n aelod cyfetholedig o—
  - (i) cyngor cyfansoddol y cyd-bwyllgor corfforedig;
  - (ii) awdurdod Parc Cenedlaethol y mae'n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 benodi aelod o'r cyd-bwyllgor corfforedig,
 swyddog monitro'r cyngor cyfansoddol hwnnw neu'r awdurdod Parc Cenedlaethol hwnnw.”

**12. Yn rheoliad 13—**

- (a) ym mharagraff (1)—
  - (i) yn is-baragraff (b), yn lle “Rheoliad 12(a)(i) neu (b)” rhodder “rheoliad 12(1)(a)(i) neu (b)”;
  - (ii) yn is-baragraff (c), yn lle “Reoliad 12(a)(ii)” rhodder “reoliad 12(1)(a)(ii)”;
  - (iii) hepgorer y geiriau o “ac anfon” hyd at “a arweiniodd at yr ymchwiliad”;
- (b) ar ôl paragraff (1), mewnosoder—
 

“(1A) Rhaid i'r Pwyllgor Safonau anfon copi o'r adroddiad at:

  - (a) unrhyw berson sy'n destun yr ymchwiliad,
  - (b) Ombwdsmon Gwasanaethau Cyhoeddus Cymru,
  - (c) swyddog monitro'r awdurdod perthnasol dan sylw, a
  - (d) pan fo unrhyw berson sy'n destun yr ymchwiliad yn aelod neu'n aelod cyfetholedig o gyd-bwyllgor corfforedig, a'i fod hefyd yn aelod neu'n aelod cyfetholedig o—
    - (i) cyngor cyfansoddol y cyd-bwyllgor corfforedig;
    - (ii) awdurdod Parc Cenedlaethol y mae'n ofynnol iddo gan reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 benodi aelod o'r cyd-bwyllgor corfforedig,

- (b) the Public Services Ombudsman for Wales,
- (c) the Standards Committee of the relevant authority, and
- (d) where any person subject to the investigation is a member of a corporate joint committee, and is also a member or co-opted member of—
  - (i) a constituent council of the corporate joint committee;
  - (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,
 the monitoring officer of that constituent council or National Park authority.”

**12. In regulation 13—**

- (a) in paragraph (1)—
  - (i) in sub-paragraph (b), for “Regulation 12(a)(i) or (b)” substitute “regulation 12(1)(a)(i) or (b)”;
  - (ii) in sub-paragraph (c), for “Regulation 12(a)(ii)” substitute “regulation 12(1)(a)(ii)”;
  - (iii) omit the words from “and send” to “gave rise to the investigation”;
- (b) after paragraph (1), insert—
 

“(1A) The Standards Committee must send a copy of the report to:

  - (a) any person who is the subject of the investigation,
  - (b) the Public Services Ombudsman for Wales,
  - (c) the monitoring officer of the relevant authority concerned, and
  - (d) where any person subject to the investigation is a member or co-opted member of a corporate joint committee, and is also a member or co-opted member of—
    - (i) a constituent council of the corporate joint committee;
    - (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

swyddog monitro'r cyngor cyfansoddol  
hwnnw neu'r awdurdod Parc  
Cenedlaethol hwnnw.

(1B) Rhaid i'r Pwyllgor Safonau hefyd  
gymryd camau rhesymol i anfon copi o'r  
adroddiad at unrhyw berson a wnaeth unrhyw  
honiad a arweiniodd at yr ymchwiliad.”;

- (c) ym mharagraff (2), yn y geiriau o flaen is-  
baragraff (a), ar ôl “awdurdod perthnasol”  
mewnosoder “dan sylw”.

the monitoring officer of that  
constituent council or National Park  
authority.

(1B) The Standards Committee must also take  
reasonable steps to send a copy of the report to  
any person who made any allegation which  
gave rise to the investigation.”;

- (c) in paragraph (2), in the words before sub-  
paragraph (a), after “authority” insert  
“concerned”.

*Rebecca Evans*

Y Gweinidog Cyllid a Llywodraeth Leol, un o  
Weinidogion Cymru  
13 Gorffennaf 2022

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Minister for Finance and Local Government, one of  
the Welsh Ministers  
13 July 2022

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